



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2010-0056]

BNSF Railway Company's Request to Amend Its Positive Train Control Safety Plan and Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on October 5, 2022, BNSF Railway Company (BNSF) submitted an updated request for amendment (RFA) to its FRA-approved Positive Train Control Safety Plan (PTCSP). As this RFA may involve a request for FRA's approval of proposed material modifications to an FRA-certified positive train control (PTC) system, FRA is publishing this notice and inviting public comment on the railroad's RFA to its PTCSP.

DATES: FRA will consider comments received by [INSERT DATE 20 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES: *Comments:* Comments may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA-2010-0056. For convenience, all active PTC dockets are hyperlinked on FRA's website at <https://railroads.dot.gov/train-control/ptc/ptc-annual-and-quarterly-reports>. All comments received will be posted without change to

<https://www.regulations.gov>; this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816-516-7168, e-mail:

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SUPPLEMENTARY INFORMATION: In general, Title 49 United States Code (U.S.C.) Section 20157(h) requires FRA to certify that a host railroad's PTC system complies with Title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTCSP, a host railroad must submit, and obtain FRA's approval of, an RFA to its PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the *Federal Register* and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal and train control system. Accordingly, this notice informs the public that, on October 5, 2022, BNSF submitted an updated RFA to its PTCSP for its Interoperable Electronic Train Management System (I-ETMS) and that updated RFA is available in Docket No. FRA-2010-0056. BNSF initially submitted the RFA to its PTCSP on September 2, 2022, and subsequently submitted an updated version of its RFA and PTCSP on October 5, 2022, in response to FRA's feedback, which noted the need to satisfy the RFA content requirements under 49 CFR 236.1021(m).

In summary, BNSF's RFA proposes two modifications to its PTCSP. First, BNSF proposes to incorporate into its PTCSP information about its use of its Integrated Locomotive Computer as a speed source, which FRA already approved in a previous joint RFA on September 1, 2021.

Second, pursuant to the authority at 49 CFR 236.1006(b)(5)(vii), BNSF is proposing to utilize certain alternative procedures instead of the default procedures under

§ 236.1006(b)(5), which permits the operation of a locomotive or train without an onboard PTC apparatus in certain circumstances. Under 49 CFR 236.1006(b)(5)(vii), FRA's regulations permit a railroad to propose such alternative procedures in its RFA and/or PTCSP. For example, as detailed in BNSF's updated RFA and PTCSP, BNSF is seeking to replace the default procedures under § 236.1006(b)(5)(i) and (ii). Specifically, BNSF proposes to use the exception under § 236.1006(b)(5) to perform short freight movements, within a single control point (measured by one home signal to the opposing home signal) at restricted speed, where no other trains may enter the control point during the excepted movement. In its RFA, BNSF further discusses the existing exception requirements and alternative procedures it will comply with when performing excepted movements under 49 CFR 236.1006(b)(5).

Interested parties are invited to comment on BNSF's RFA to its PTCSP by submitting written comments or data. During FRA's review of this railroad's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA to its PTCSP at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. *See* <https://www.regulations.gov/privacy-notice> for the privacy notice of regulations.gov. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however,

submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, D.C.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

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